



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,449	01/26/2001	Hirobumi Sugiyama	SAT 159	3774

23995 7590 10/27/2005

RABIN & Berdo, PC
1101 14TH STREET, NW
SUITE 500
WASHINGTON, DC 20005

EXAMINER

ALPERT, JAMES M

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,449

Applicant(s)

SUGIYAMA ET AL.

Examiner

James Alpert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The following communication is in response to Applicant's election of species filed on July 26, 2005. Claim 9-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the above referenced reply. Claims 1-8 are currently pending, and have been examined. The objections and rejections are as stated below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to Claim 1, there are several portions of this claim that are confusing and unclear.

Initially, Applicant uses the term "shop" in the claims, but from the specification, it appears that the proposed invention is directed toward electronic commerce. It is unclear from the claims whether this "shop" is a brick-and-mortar shop, where electronic terminals are located, or whether the "shop" is an Internet commerce web site that is established for remote shopping, user PC's being the "terminals". The fact that the shop is connected to a network reveals little. Appropriate correction is recommended if further prosecution is contemplated.

Art Unit: 3624

Secondly, Applicant uses the term "each customer" as though customers have been identified somewhere prior in the claim. There is not an antecedent basis for the modifier "each". Simple use of the word "customer", or the phrase "a plurality of customers" would clarify this ambiguity, and is recommended.

Thirdly, Applicant's use of the phrase "take procedures for settlement" is not known in the art. It could be that Applicant simply means that software is installed in order to settle an electronic commerce transaction, but that is not made particularly clear. Appropriate correction is recommended if further prosecution is contemplated.

Fourthly, Applicant use of the phrase "customers using the shop" is unclear. How does a customer use a shop? Some customers use a shop by browsing. Others conduct shopping at a shop. Appropriate correction is recommended if further prosecution is contemplated.

With regard to Claims 2-8, these claims are rejected as being dependent on a rejected independent claim. Further, Applicant should review carefully each of these for additional needs for clarification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paltenghe, U.S. Patent Application Publication #20020004783.

Art Unit: 3624

With regard to Claim 1, Paltenghe teaches a system comprising:

a shop connected to a communication network;
(Page 6-7, Para. 71-73)

a plurality of terminals connectable to said network;
(Page 5, Para. 55)

a plurality of settlement institutions connected to said network;
(Page 5, Para. 49)

servers connected to said network and provided so as to correspond to each of said settlement institutions, (Page 5, Para.49)

which are operated to manage two or more pieces of software installed for each customer in order to take procedures for settlement of electronic commerce for a plurality of customers (Page 6-7, Para. 71-73)

using said shop on said communication network by operating each of said terminals;
(Page 5, Para. 55)

Paltenghe does not expressly teach a system comprising:

and wherein each of said terminals is provided with a plurality of connecting modules installed so as to correspond to each of said servers and operated to connect each of said terminals to each of said servers through said communication network

However, connecting terminals to servers through a network is old and well known. As such the examiner takes Official Notice of this limitation. Further it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to modify the teachings of Paltenghe to include connection modules operable to connect user terminals with servers. Continuing, Paltenghe teaches the system comprising:

so that said customer is able to take procedures for settlement and with a selecting module used to select said connecting module corresponding to said server from said two or more connecting modules provided to each of said terminals to use said server corresponding to said settlement institution. (Page 6-7, Para. 71-73)

With regard to Claim 2, Paltenghe teaches a system wherein:

each of said terminals is operated to receive a message showing a request for said procedures for settlement from said shop and, after having received said message, in order to start said procedures for settlement, transfers said message from said selecting module through a desired connecting module selected out of said connecting modules to said server corresponding to said desired connecting module.

(Page 5, Para. 60; Page 6-7, Para. 71-73)

With regard to Claim 3, Paltenghe teaches a system wherein:

said selecting module, before each of said terminals receives said message, is operated to prompt said customer to select said connecting module using a screen display which is provided to facilitate selection of said connecting module corresponding to said settlement institution that each of said customers is able to use for settlement and wherein said desired connecting module is the one selected by each of said customers using said screen display. (Page 5, Para. 60; Page 6-7, Para. 71-73)

With regard to Claim 4, Paltenghe teaches a system wherein:

said selecting module, when each of said terminals has received said message, is operated to prompt said customer to select said connecting module using a screen display which is provided to facilitate selection of said connecting module corresponding to said settlement institution that each of said customers is able to use for settlement and wherein said desired connecting module is the one selected by each of said customers using said screen display. (Page 5, Para. 60; Page 6-7, Para. 71-73)

With regard to Claim 5, Paltenghe teaches a system wherein:

said selecting module, when each of said terminals has received said message, is operated to select said connecting module used to connect each of said terminals to said server corresponding to said settlement institution designated by said message, based on information indicating which settlement institution allows each of said servers corresponding to each of said two or more connecting modules installed on each of said terminals to be used for electronic settlement.

(Page 5, Para. 60; Page 6-7, Para. 71-73)

With regard to Claim 6, Paltenghe teaches a system wherein:

each piece of said information is given to said selecting module which then transfers said message to said connecting module selected based on each piece of said information. (Page 5, Para. 60; Page 6-7, Para. 71-73)

With regard to Claim 7, Paltenghe teaches a system wherein:

each piece of said information is given to each of said connecting modules and said selecting module then transfers said message to said connecting module selected based on each piece of said information held by each of said connecting modules. (Page 5, Para. 60; Page 6-7, Para. 71-73)

With regard to Claim 8, Paltenghe teaches a system wherein:

each piece of said information is given to each of servers and said selecting module then transfers said message to said connecting module based on each piece of said information held by each of said servers. (Page 5, Para. 60; Page 6-7, Para. 71-73)

Conclusion

The following prior art, made of record, but not relied upon, is considered pertinent to applicant's disclosure:

- 1) Shafron et al, U.S. Patent Application Publication #20020186255, December 12, 2002, Method and System of Facilitating On-Line Shopping Using an Internet Browser.
- 2) Niwa, U.S. Patent #6853977, Electronic Settlement System Using Separate Communication Channels for Settlement Between Sales and Payee Terminals.

THIS ACTION IS NON-FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Alpert whose telephone number is (571) 272-6738. The examiner can normally be reached on M-F 9:30-6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

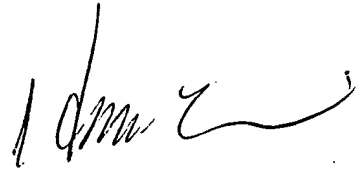
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 3624

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.



James M. Alpert
October 21, 2005



HANI M. KAZIMI
PRIMARY EXAMINER